

New York, Feb. 10.—Silver, 56 5/8c; lead, \$6.15@6.25; spelter, not quoted; copper, firm, electrolytic, \$26.50@27.00; \$27.50@28.00.

WEATHER—Utah: Fair in South; Rain or Snow in North Portion Tonight or Friday; Not Much Change in Temperature.

Germany and Austria Will Treat Armed Merchantmen as Warships After March 1

ARTILLERY DUEL BETWEEN FRENCH AND GERMANS RAGES IN ARTOIS

Strong Attack Made Against French Positions Repulsed and Enemy Holds Only One Mine Crater—Military Operation of Large Proportions Impending in the Balkans—Heavy Bombardment Continues at Northern End of Russian Line.

Berlin, Feb. 10, by wireless to Sayville.—The German government is about to issue a memorandum to neutral governments announcing that hereafter armed merchantmen belonging to countries at war with Germany will be considered and treated as warships.

Washington, Feb. 10.—Germany and Austria, through their embassies here, have notified the United States of their intention to treat armed merchantmen as warships, after March 1. That date was fixed to give the entente allies time to signify their intention toward the recent note of the United States proposing the disarmament of all merchantmen.

The German government contends this measure is justified by explicit instructions issued by the British admiralty to merchantmen, a copy of which is said to have been obtained by the German authorities. These instructions, it is understood here, were that the merchantmen should carry guns and attack submarines on sight. It also stated these orders have a counterpart in instructions issued by the governments of other countries at war with Germany.

Paris, Feb. 10, via London, 4:41 p. m.—The artillery duel between the French and the Germans is continuing in the Artois district, according to announcement made by the French war office this afternoon.

German troops last night made a strong attack against the French positions between Neuville and La Folle. This was repulsed and the Germans were successful in holding only one mine crater.

The text of the communication follows: "In the Artois district the artillery duel has continued between Hill No. 119 and the road from Neuville to Thelus.

"An engagement with hand grenades resulted in our chasing the enemy from certain communications trenches which they had occupied to the west of La Folle. As night fell the Germans delivered a strong attack against our positions on the road from Neuville to La Folle. This was repulsed and the enemy was successful only in securing a footing in one of the mine craters which we had previously taken from them."

"To the south of the Somme in the course of variations during the preceding two days we captured fifty prisoners, two machine guns and a revolving gun.

"There were no important events over the rest of the front."

London, Feb. 10, 2:34 p. m.—Significance is attached by Russian military commentators to the offensive movement of Russian troops in eastern Galicia, just north of the Bukovina boundary, which is reported officially from Petrograd to have resulted in the capture of Uscieczko and the crossing of the Dniester at that point. Reuter's Petrograd correspondent says the opinion is expressed that, if the Russians continue their movement, they will threaten all the Russo-German positions in the district of Czernowitz, capital of Bukovina.

Owing to the flooding of the Oginski canal on account of a sudden thaw, the Germans have been compelled to evacuate all of their second line trenches in that district, losing large quantities of ammunition.

Germany Report Victories.

Berlin, Feb. 10, via London, 3 p. m.—The capture from the French of a large section of trench northwest of Vimy, in the Artois region, was announced by German army headquarters today. A mine crater near Neuville, in the same sector, was retaken. South of the Somme the French gained a foothold in a small part of one of the German first line trenches.

The text of today's statement is as follows: "Western theatre: Northwest of Vimy we captured a large trench section from the French and in the neighborhood of Neuville we conquered one of the craters previously lost. Fifty-two prisoners and 22 machine guns remained in our hands.

"South of the Somme several local attacks by the French were repulsed. Directly north of Bequincourt, the enemy succeeded in obtaining a foothold in a small section of our foremost line trenches.

"On Cumbres hill we destroyed an enemy mine position by an explosion. French mining operation northeast of Celles, in the Vosges, was unsuccessful.

"Eastern theatre: On the fronts held by the army groups of Generals Von Linsingen and Von Bothmer attacks by weak enemy detachments were defeated by the Austro-Hungarians.

"Balkan theatre: There is nothing to report."

Swiss Enforce Strict Rules. Zurich, Switzerland, Feb. 10, via

SKODA DISASTER PROVES SERIOUS DANIELS DEFENDS NAVAL PROGRAM

Armament Factory in Bohemia Has All Cannon and Plans Destroyed by Explosion.

MANY INJURED, 300 DEAD

Criminals Use Melinite for Deadly Work—Austrian Censors Prohibit Publication of News in Austria-Hungary.

Paris, Feb. 10, 5:15 a. m.—A dispatch from Bucharest to the Balkan agency, which was delayed for five days, states that the damage to the Skoda armament factory in Bohemia was more serious than at first announced. Rumanian official circles, the dispatch says, have received confirmation from Vienna of the destruction of all the cannon which were in course of construction as well as all the plans and drawings in the draughting offices. The dead number nearly 300 and several hundred were injured by the explosion which caused the disaster and which is said to have been the work of criminals, who employed melinite for the purpose. The dispatch adds that the Austrian military censorship has prohibited the publication of news of the disaster in Austria-Hungary.

MERCHANT SHIPS' STATUS IN DOUBT

Appam Case Puts Different Phase on Question—U. S. Not in Favor of Arming.

Washington, Feb. 10.—The United States recently proposed to all the belligerents that the development of submarine warfare had made it desirable for all to agree that merchant ships should be absolutely unarmed.

The memorandum went forward by mail about two weeks ago. The proposal was based on the theory that no merchant ships of the German powers and none of their commerce destroyers except submarines were at sea.

The Appam case, however, which disclosed a German merchant raider at large, changed the situation materially and the status of the American proposal is in doubt.

The notification of the stand of the German powers, while delivered orally, was formal and it was said that because of difficulties of communication with the United States formal notice in writing will be delivered to the American embassies in Vienna and Berlin.

PRESS DISPATCH IS CONFIRMED

Lansing Doubts Statement of Dr. Zimmermann Associated Press Cables Berlin for Explanation.

New York, Feb. 10.—On February 7, Secretary of State Lansing made the following statement in connection with the Lusitania case:

"All I wish to say is that this government has not increased its demands in the Lusitania case, as set forth in the notes of May 15, June 9 and July 1. I doubt very much if Dr. Zimmermann ever made such a statement, because he must know it is utterly false."

This was in reference to a statement attributed to Dr. Alfred Zimmermann, under-secretary for foreign affairs, in an interview with The Associated Press published on February 4, in which he said:

"I do not understand America's course. We had thought the submarine issue settled and the Lusitania question on the way to an arrangement—had agreed to pay indemnity and all that—when the United States suddenly made its new demands which it is impossible for us to accept."

Associated Press Confirms Statement. When Secretary Lansing's statement was issued, The Associated Press cabled its correspondent in Berlin for confirmation of the phrase attributed to Dr. Zimmermann. Today that correspondent has cabled the following statement:

"Berlin, Feb. 9.—The text of the interview with Secretary Zimmermann was submitted to him and approved by him before it was cabled. Regarding the phrase 'new demands' it is literally exact. The correspondent immediately countered with a question regarding the nature of these demands without eliciting any answer."

Secretary of Navy Advocates Immediate Building Up of Adequate Merchant Marine.

NEED OF SHIPS URGENT

Thirty-three Dreadnoughts, 25 Battleships, Ten Armored Cruisers, 175 Submarines and Small Craft in Program Needed.

Washington, Feb. 10.—Secretary Daniels of the navy defended the administration naval increase program and advocated the building up immediately of an adequate merchant marine, in a speech here today before a session of the Chamber of Commerce of the United States devoted to discussion of national preparedness.

"We can no longer live on our own farms," said Mr. Daniels. "On our farms we grow more than the republic can consume. We must feed much of the world. We have the right also to have large share in clothing the world and supplying people in every clime with whatever is manufactured in our mills and factories. But how can we fill our larger mission? What avail teeming harvests and large production in factories without adequate and reasonable water transportation? The securing of an adequate merchant marine is a pressing problem and it is so tied up with the enlarging and strengthening of our navy that the two cannot be wisely separated."

Big Navy Needed.

"The naval program offered by the administration is a constructive, progressive one and if built according to the continuous five year program—the first continuing program ever proposed by an administration—it will give us by the year 1921 thirty-three capital ships of the first line and 25 battleships of the second line, with ten armored cruisers, 108 destroyers, 175 submarines and small craft in proportion."

Mr. Daniels declared himself to be a disciple of Benjamin Franklin on the question of preparedness. "This philosopher—statesman declared that 'there never was a good war nor a bad peace,' but he did more to prepare for the impending revolution than any other man," he said.

"No man in the revolutionary period could be preferred before him in preparedness for defense. His achievements for preparedness may well be best studied by the people of this day and generation."

Universal Training Advocated

Washington, Feb. 10.—Universal military training, restoration of the American navy second place and creation of an advisory council of national defense, composed of men representing all forms of national strength were advocated by the National Defense Committee of the Chamber of Commerce of the United States in a report today submitted to the chamber.

"We believe that no place of national defense," the report says, "should be adopted which will permit, due to the outbreak of war, any profit arising out of the national danger to any one, and in case of the pressure of war being put upon us we may untidily and universally accept sacrifices, both of property and person for the one great national necessity."

The council of national defense, composed of the president, the secretaries of state, war, navy, commerce, labor and treasury, chairmen of important congressional committees, ranking officers of the army and navy and some civilians would perform advisory and co-ordinating functions.

BULGARIA MAY INVADE GREECE

Claims Right to Enter Territory for Purpose of Attacking French and British Troops.

Sofia, Feb. 10.—Via London, 1:05 p. m.—The government organ Norodna Prava publishes leading article asserting that Bulgaria has the right to invade Greece for the purpose of attacking the French and British troops there. It declares Bulgaria is not responsible for the fact that her enemies have violated the neutrality of Greece, and continues:

Right to Seek Enemies. "Our enemies must not remain where they are. We have the right to seek our enemies there and destroy them in order that they may not threaten us."

"It may be hard for Greece to see foreign troops on her soil, but we cannot permit ourselves to be prevented from defending ourselves. We cannot possibly permit the enemy to remain near our border. He must be driven out. We are prepared to meet all possibilities with the fullest confidence in our power to win a final victory."

WAR DEPARTMENT PLAN IS OPPOSED

Republicans of House Military Committee Confer With President—Favor Strengthening National Guard.

WILSON URGES SPEED

Committee to Promptly Begin Framing Bill—Neither Side Shows Disposition to Inject Politics Into Measure.

Washington, Feb. 10.—President Wilson was told today by Republicans of the house military committee that they believed the committee was practically opposed to the continental army plan sponsored by the war department. They said they believed the committee favored strengthening the national guard and empowering the president to draft it into the regular army in time of war.

The Republicans left the White House with the impression that the president still believed the continental army plan the best so far devised. He expressed the conviction they said, that the committee would bring out a bill for an adequate army.

President Would Strengthen Guard. The president told them that while he did not believe it feasible to substitute the national guard for the continental army, he favored strengthening the national guard.

The president urged speed and was told that the army bill next week and that it would be ready for the house in three weeks or a month.

Representative Kahn, Republican, said after seeing the president that there was no disposition on either side to inject politics into the bill. It was argued, the president was informed, that the regular army should be increased to approximately the strength suggested by the war department.

LANSING OPENS PETROLITE CASE

Calls on Austro-Hungarian Government for Explanation of Attack on American Tank Steamer.

HIGH HANDED OUTRAGE

Submarine Fires on Ship, Wounds Man, Demands Food and Takes It by Force.

Washington, Feb. 10.—Secretary Lansing announced today that he had sent to the Austro-Hungarian government through Ambassador Penfield a dispatch asking for an investigation and an explanation of the attack by an Austrian submarine on the American tank steamer Petrolite.

The secretary said published statements that demands had been made upon the Vienna government were "not true" but that it was within the range of possibility that demands of some sort might be made in the future should the investigation and explanation asked warrant them.

The secretary's dispatch called attention to affidavits from members of the crew of the Petrolite and to information from other sources to the effect that the ship was stopped in the Mediterranean near Alexandria, by the submarine which fired upon her and wounded one man in her engine room.

Supplies Taken by Force.

The submarine commander asked for food which Captain Thompson of

NOBEL PRIZE WINNER IN RUSSIAN PRISON



Dr. Robert Barany.

Dr. Robert Barany of Vienna was awarded the Nobel prize, amounting to about \$40,000, for eminence in the field of medicine. He is in a Russian prison camp, and it was there that he received notification of the honor bestowed upon him.

U. S. HAS NO DOCK FOR NEW CRUISERS



Rear Admiral Homer R. Stanford.

Rear Admiral Homer R. Stanford, chief of the yards and docks bureau of the navy department, has revealed in his testimony at the hearing before the house naval affairs committee the surprising fact that not one of the dry docks of the United States is large enough to accommodate any of the big battle cruisers proposed in the administration's naval program. He said the Puget Sound dry dock could be made large enough, but those on the Atlantic coast were impossible. He urges the construction of a dock in New Orleans.

the Petrolite refused. He thereupon sent a boarding party on the boarding and removed one American member of her crew who was held as a hostage while the Austrians took the food they required from the Petrolite's stores.

Novel questions are involved in the case. Warships under certain stress may take food from merchantmen if they give proper receipts or payment, but it is realized that if submarines are to be permitted to do so, every neutral ship might be made a base for their operations.

WARNER TRIAL IS DROPPED

Case Against Woman For Shooting Man Who Refused to Marry Her, Compromised

Findlay, O., Feb. 10.—Just before Miss Ada Warner, aged 41, was to have been placed on trial here today on a charge of shooting Norris H. Powell, 43, November 13, last, it was announced that the charge had been dropped by Powell on condition that Miss Warner drop her breach of promise against him for \$10,000.

Miss Warner was charged with having donned men's clothes and entered Powell's home, demanding that he marry her. When he refused, it was charged, she shot him.

Miss Warner was found an hour later at her home, a mile away, with a knife wound in her throat.

Miss Warner in her suit against Powell charged that he promised to marry her 22 years ago and that she waited 20 years for him, then discovered he had changed his mind.

HEAVY LOSSES OF GERMAN ARMY

Total Prussian Casualties 2,377,378 Beside Wuerttemberg, Bavarian and Saxon

London, Feb. 10, 9:40 a. m.—The Amsterdam Courant states that the Prussian casualty lists, numbers 420 to 429, show 19,329 dead, wounded and missing, and Prussian lists, numbers 430 to 439 show 18,349 dead, wounded and missing. The total Prussian losses are computed by this newspaper as 2,377,378.

The German military losses include also 335 lists of casualties of Wuerttemberg forces, 247 Bavarian lists, 248 Saxon lists, sixty navy lists and some lists concerning German officers and non-commissioned officers in the Turkish service, according to the Courant.

NINE HUNDRED COAL MINERS ON STRIKE

Pittsburg, Pa., Feb. 10.—Nine hundred miners employed in three mines of the Ford Colliers' company at Culmerville, near here, struck today to enforce a demand that the company reduce the price of powder from eight to five cents a package.

NO DAMAGE DONE.

London, Feb. 9, 9:50 p. m.—The following official statement was issued tonight:

"With reference to the German official communication of February 8, stating that a German aeroplane squadron had attacked Poperinghe, General Sir Douglas Haig reports that a hostile aeroplane dropped four bombs near Poperinghe station, no damage being done."

SENATE INQUIRY IS CONTINUED

Brandeis Attitude as Counsel for United Shoe Machinery Company Is Told.

CALIFORNIAN DEFENDS

Lieutenant Governor John M. Eshleman Vigorously Refutes Testimony of Clifford Thorne.

Washington, Feb. 10.—James W. Carmalt, chief examiner of the interstate commerce commission, before the senate sub-committee investigating the nomination of Louis D. Brandeis to the supreme court bench today, challenged the declaration of Clifford Thorne, chairman of the Iowa railroad commission, that Mr. Brandeis had concealed from him the attitude he would take in arguing the eastern freight rate case before the committee.

Yesterday Mr. Thorne, who was associated with Mr. Brandeis in the trial of the rate case for shippers and the commission, declared he was "dumb-founded" when Brandeis, at the outset of his closing argument, conceded to the contention of the railroads that the eastern freight returns were inadequate for the property of the roads and the best interests of the public.

"There is one incident 'firmly fixed in my mind,' said Mr. Carmalt, 'regarding a conversation which Mr. Thorne had with me on the second day of the argument in the rate case. Mr. Thorne, I understand, stated that when the commission fixed the allotment of time for attorneys to argue the case, he had asked the privilege of being permitted to follow counsel for the shippers instead of opening the argument."

"Mr. Thorne asked me what Mr. Brandeis' position would be in the argument. There was no doubt in my mind what Mr. Brandeis' position would be. I had discussed with him and he had told me. There certainly was no disposition to conceal it from Mr. Thorne. I am confident that I told Mr. Thorne that Mr. Brandeis would take the position that the net operating income of the carriers was not adequate with special stress on the Central Freight Association territory. Further I said he would take the position that the methods pursued by the carriers to obtain greater revenues through a horizontal five per cent increase were not the proper ones."

"I am quite clear that it was as the result of this conversation that Mr. Thorne wrote Mr. Brandeis a note asking about a change in the allotment of time. It is very strongly my impression because Mr. Thorne knew the attitude Mr. Brandeis would take that Mr. Brandeis got the conception that Mr. Thorne wanted an opportunity to answer him in addition to his main argument in the case."

Mr. Carmalt was called to the stand on suggestion of W. O. Anderson, United States district attorney in Boston who is attending the hearings. His testimony was regarded by friends of Mr. Brandeis as being very much in his favor.

Washington, Feb. 10.—The senate judiciary sub-committee continued today its inquiry into the nomination of Louis D. Brandeis of Boston to the supreme court bench. Representatives of the United Shoe Machinery company, with which Mr. Brandeis was once associated as counsel, were heard.

Mr. Brandeis' attitude as counsel for the Interstate Commerce commission in the five per cent rate case was vigorously attacked by Clifford Thorne, chairman of the Iowa railroad commission, and was defended with equal vigor by Lieutenant Governor John M. Eshleman of California, president of the California railroad commission, at the time the case was pending. At last night's hearing before the sub-committee.

Walsh Bars Rumors. "This investigation," said Senator Walsh, "is for the purpose of developing facts to advise the committee with respect to the fitness of this nominee. Witnesses have been allowed to express in a general way opinions formed concerning the nominee. I am led to believe that some of the witnesses summoned know little about substantial facts but have only learned things through the press or from common rumor. I shall insist that witnesses be confined hereafter to telling specific facts affecting the propriety of confirmation of this nominee. I have in mind C. W. Barron of Boston who was called here because of an editorial on this paper."

Senator Clarke protested. "This is an investigation and not a trial," he said. "I shall hold that witnesses shall not be prejudged before they take the stand."

Senator Cummins took the same attitude.

Frank Lyon Testifies. Frank Lyon, attorney for the commission in the 1910 rate case and attorney for the Pittsburgh Coal company at the 1913 case, testified that he considered Mr. Brandeis' brief in the 1913 case was an impeachment of the contention of the railroads in that he pointed out how they could get increased in a matter vastly different from their own proposals.

Responding to further questions by Senator Cummins, Mr. Lyon said: "I think it is only fair to Mr. Brandeis to say that I was an unimportant employee in a general way in 1910, assigned to the rate case. Mr. Brandeis was brought in as an important individual from the outside and might have a different point of view from mine," said Mr. Lyon. Senator Cummins characterized that statement as an argument.